

MONDAY, APRIL 6, 1981

THIRTIETH LEGISLATIVE DAY

The House met at 5:00 p.m. and was called to order by Mr. Speaker McWherter.

The proceedings were opened with prayer by Reverend Stanley Holland, Friendship Pentecostal Church, Friendship, Tennessee.

Representative Dills led the House in the Pledge of Allegiance to the Flag.

The roll call was taken with the following results:

Present 96

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Dissspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

The Speaker announced that Representative Jones was excused because of business.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Bills Nos. 57, 74, 149, 161, 165, 193, 277, 314, 317, 366, 376, 426, 521, 885 and 1023 with his approval.

JULIA GIBBONS,
Counsel to the Governor.

ENROLLED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Bills Nos. 352, 382, 575, 590, 720 and 774; House Resolution No. 26; and House Joint

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Resolution No. 123; and find same correctly enrolled and ready for the signatures of the Speakers.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

SIGNED

The Speaker announced that he had signed the following: House Bills Nos. 352, 382, 575, 590, 720 and 774; House Resolution No. 26; and House Joint Resolution No. 123.

MESSAGE FROM THE GOVERNOR

MR. SPEAKER:

I am directed by the Governor to return herewith: House Joint Resolution No. 96 without his signature.

JULIA GIBBONS,
Counsel to the Governor.

Dear Mr. Speaker,

I am returning House Joint Resolution No. 96 without my signature.

This resolution expresses the General Assembly's support of the "Servicemen's Retention Act" currently under consideration in the United States House of Representatives.

Since this is the General Assembly's own expression on a matter within the jurisdiction of the Congress of the United States, it does not seem appropriate for me to add my signature. This, of course, does not in any way express my approval or disapproval of this legislative initiative.

Sincerely,

Lamar Alexander

House Joint Resolution No. 96 becomes effective without the Governor's signature, as authorized by Article III, Section 18 of the Constitution of the State of Tennessee.

CALENDAR

House Bill No. 190—To compensate commissioners, certain utility districts.

On motion, House Bill No. 190 was made to conform with Senate Bill No. 316.

On motion, Senate Bill No. 316, on same subject, was substituted for House Bill No. 190.

Mr. McNally moved that Senate Bill No. 316 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Chiles, Clark (Davidson); Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frenshley, Gaia, Gill,

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Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—94.

A motion to reconsider was tabled.

House Bill No. 212—To transfer hotel inspections to Department of Public Health.

On motion, House Bill No. 212 was made to conform with Senate Bill No. 155.

On motion, Senate Bill No. 155, on same subject, was substituted for House Bill No. 212.

Mr. Kernell moved that Senate Bill No. 155 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

House Bill No. 217—To amend Section 4-29-202 and 4-29-208, Code.

Mr. Kernell moved that House Bill No. 217 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

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A motion to reconsider was tabled.

On motion, Senate Bill No. 318 was recalled from the Committee on Education.

House Bill No. 644—To amend Section 49-214, Code.

On motion, House Bill No. 644 was made to conform with Senate Bill No. 318.

On motion, Senate Bill No. 318, on same subject, was substituted for House Bill No. 644.

Mr. Cobb moved that Senate Bill No. 318 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	93
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—93.

Representative voting no was: Small—1.

A motion to reconsider was tabled.

On motion, Senate Bill No. 217 was recalled from the Committee on Commerce.

House Bill No. 946—To make certain provisions, Medicare.

On motion, House Bill No. 946 was made to conform with Senate Bill No. 217.

On motion, Senate Bill No. 217, on same subject, was substituted for House Bill No. 946.

Mr. Baker moved that Senate Bill No. 217 be passed on third and final consideration.

Mr. Starnes moved to amend as follows:

AMENDMENT NO. 1

Amend Senate Bill No. 217 by deleting in Section 3(b) the figures “56-26-103” and by substituting in lieu thereof the figures “56-26-102”.

AND FURTHER AMEND by deleting Section 4(d) in its entirety and by substituting in lieu thereof the following language:

“4(d) The commissioner may further prescribe by regulation that the policy be accompanied by an informational brochure, the standard form and contents of which may be prescribed by the commissioner, which is intended to improve the buyer’s ability to select the most appropriate coverage and improve the buyer’s understanding of Medicare. Except in the case of direct response policies, the commissioner may

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require by regulation that the informational brochure be provided to any prospective insured eligible for Medicare concurrently with the delivery of the outline of coverage. With respect to direct response Medicare supplement insurance policies, the commissioner may require by regulation that the informational brochure be provided to any prospective insureds eligible for Medicare upon request, but in no event later than the time the policy is delivered."

AND FURTHER AMEND by adding the following new subsection to Section 4:

"4(e)" Medicare supplement policies other than those issued pursuant to direct response solicitation, shall have a notice prominently printed on the first page of the policy or attached thereto stating in substance that the applicant shall have the right to return the policy within ten (10) days of its delivery and have the premium refunded if, after examination of the policy, the applicant is not satisfied for any reason. Medicare supplement policies issued pursuant to a direct response solicitation to persons eligible for Medicare shall have a notice prominently printed on the first page or attached thereto stating in substance that the applicant shall have the right to return the policy within thirty (30) days of its delivery and have the premium refunded, if after examination, the applicant is not satisfied for any reason.

AND FURTHER AMEND by deleting the period "." at the end of Section 5 and by substituting in lieu thereof the following words, figures, and punctuation:

"for purposes of Section 3(b) of this Act."

On motion, the amendment was adopted.

Thereupon, Senate Bill No. 217, as amended, passed its third and final consideration by the following vote:

Ayes	92
Noes	1
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

Representative voting no was: Turner—1.

Representative present and not voting was: DeBerry—1.

A motion to reconsider was tabled.

House Bill No. 783—To make certain provisions, retail liquor licenses.

On motion, House Bill No. 783 was made to conform with Senate Bill No. 559.

On motion, Senate Bill No. 559, on same subject, was substituted for House Bill No. 783.

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Mr. Kernell moved that Senate Bill No. 559 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	95
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

A motion to reconsider was tabled.

House Bill No. 643—To authorize special occasion license, alcoholic beverages.

Mr. Kernell moved that House Bill No. 643 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 643 be deleting the words “or malt” from the amendatory language of Section 1.

On motion, the amendment was adopted.

Mr. Murphy (Davidson) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 643 by deleting in its entirety the language of the bill following the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 57-4-101(a), is amended by adding at the end of the section the following:

It shall further be lawful for a charitable, non-profit or political organization possessing a special occasion license pursuant to Tennessee Code Annotated, Section 57-4-102, to serve or sell such alcoholic beverages to be consumed on a designated premises within the boundaries of a political subdivision wherein the sale of alcoholic beverages at retail has been approved pursuant to Tennessee Code Annotated, Section 57-3-106.

SECTION 2. Tennessee Code Annotated, Section 57-4-102, is amended by adding the following subsections to be appropriately designated:

() “Special Occasion License” means a license which the commission may issue to a bona fide charitable, non-profit or political organization. Such license shall be issued for no longer than one twenty-four (24) hour period, subject to the

limitations of hours of sale which may be imposed by law or regulation, and such license may be issued in advance of its effective date. Such license shall not be issued unless and until there shall have been paid to the commission for each such license a license fee of fifty dollars (\$50.00), and there shall have been submitted an application which designates the premises upon which alcoholic beverages shall be served. No such charitable, non-profit or political organization shall be eligible to receive more than five (5) special occasion licenses in any calendar year.

() “Bona fide charitable or non-profit organization” means any corporation which has been recognized as exempt from federal taxes under Section 501(c) of the Internal Revenue Code or any organization having been in existence for at least two (2) consecutive years which expends at least sixty percent (60%) of its gross revenue exclusively for religious, educational or charitable purposes.

() “Bona fide political organization” means any political campaign committee as defined in Tennessee Code Annotated, Section 2-10-102(a) or any political party as defined in Tennessee Code Annotated, Section 2-13-101.

SECTION 3. Tennessee Code Annotated, Section 57-4-203, is amended by adding the following new subsection to be appropriately designated:

() No charitable, non-profit or political organization possessing a special occasion license shall purchase for sale or distribution under such license any alcoholic beverages from any source other than a licensee under Tennessee Code Annotated, Section 57-3-204.

SECTION 4. Tennessee Code Annotated, Section 57-3-101(15) is amended by deleting the semicolon at the end of the subsection and adding the following:

except that sales by a person licensed under Tennessee Code Annotated, Section 57-3-204, to a charitable, non-profit, or political organization possessing a valid special occasion license for resale by such organizations pursuant to their special occasion license shall not be construed as such a sale;

SECTION 5. Tennessee Code Annotated, Section 57-4-301, is amended by adding the following new subsection:

() No tax authorized or imposed by this section shall be levied or assessed from any charitable, non-profit, or political organization selling alcoholic beverages at retail pursuant to a special occasion license.

SECTION 6. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, the amendment was adopted.

Thereupon, House Bill No. 643, as amended, passed its third and final consideration by the following vote:

Ayes	52
Noes	39
Present and not voting	1

Representatives voting aye were: Akard, Bell (Knox), Bell (Wilson), Bewley, Brewer, Buck, Chiles, Clark (Sumner), Cobb, Covington, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Disspayne, Duer, Frensley, Gaia, Hudson, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McNally, Martin, Montgomery, Murphy (Davidson), Murray, Naifeh, Owen, Phillips, Pickering,

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Pruitt, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Spence, Sterling, Tanner, Ussery, Webb, Withers, Work and Mr. Speaker McWherter—52.

Representatives voting no were: Baker, Bivens, Bragg, Burnett, Carter, Copeland, Davidson, Dills, Duncan, Ellis, Ford, Harrill, Henry (Roane), Hillis, Hurley, Huskey, Kelley, McAfee, McKinney, Miller, Moore, Richardson, Robertson, Robinson (Davidson), Scruggs, Severance, Shockley, Small, Smith, Stafford, Stallings, Starnes, Wallace, Wheeler, Whitson, Wix, Wolfe, Wood and Yelton—39.

Representative present and not voting was: Gill—1.

A motion to reconsider was tabled.

Mrs. Duer asked to be recorded as changing her vote from “aye” to “no” on House Bill No. 643.

House Bill No. 1071—To regulate certain rented premises.

On motion, House Bill No. 1071 was made to conform with Senate Bill No. 598.

On motion, Senate Bill No. 598, on same subject, was substituted for House Bill No. 1071.

Mr. Cobb moved that Senate Bill No. 598 be placed on the Calendar for Wednesday, April 15, 1981, which motion prevailed.

House Bill No. 886—To establish foreign trade sub-zones.

Mr. Lashlee moved that House Bill No. 886 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	92
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Brewer, Buck, Burnett, Carter, Chiles, Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—92.

A motion to reconsider was tabled.

House Bill No. 833—To regulate sale, state surplus property.

Mr. Davis (Pickett) moved that House Bill No. 833 be passed on third and final consideration.

Mr. Davis (Pickett) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 833 by deleting from the amendatory language of Section 1 the

language “by public auction prior to the date of such auction” AND FURTHER AMEND by deleting in its entirety the amendatory language of Section 2 and substituting the following:

The board shall promulgate regulations governing the transfer of surplus property to such governmental entities. Such regulations shall include, but not be limited to, prices to be set on items of surplus property, restrictions on the resale and the reversion to the state of any profit realized from any such resale. As the commissioner approves the declaration of property as surplus and assigns it for disposal, he shall set the price based on the fair market value for each item pursuant to the regulations of the board. Governmental entities may purchase such items at the price set by the commissioner at such times, as specified by regulations of the board, prior to the date of disposal by another method. For all surplus property, political subdivisions and other governmental entities shall retain possession of such property for one (1) year unless disposal is approved by the board of standards. Transfers of surplus property shall be made at locations designated by the commissioner. Any transfer of motor vehicles, subject to the registration laws of this state, to a county, municipality or other political subdivision, or governmental entity determined by the board of standards shall become null and void and such property shall revert to the state in the event that such political subdivision or governmental entity does not transfer the registration of title to such motor vehicle to its name within seven (7) days after the sale.

AND FURTHER AMEND by deleting from Section 3 the language “July 1, 1981” and substituting the language “January 1, 1982.”

On motion, the amendment was adopted.

Thereupon, House Bill No. 833, as amended, passed its third and final consideration by the following vote:

Ayes	96
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—96.

A motion to reconsider was tabled.

House Bill No. 733—To regulate State Certificate of Need Program.

Mr. Davis (Hamilton) moved that House Bill No. 733 be passed on third and final consideration.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 733 by adding the following new paragraph to Section 3:

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Tennessee Code Annotated, Section 53-1203(4), is further amended by adding the following new paragraph:

Nor shall "health care institutions" include home health care agencies.

AND FURTHER AMEND by adding the following new paragraph to Section 5:

Tennessee Code Annotated, Section 53-1203(8), is further amended by deleting the second and third lines of item (A) and substituting instead the following new lines:

either an inpatient or outpatient basis by health care institutions and health maintenance organizations whether or not

Mr. Sterling moved that Amendment No. 1 be tabled, which motion prevailed.

Mr. Davis (Hamilton) moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 733 by deleting Section 8 in its entirety and renumbering the remaining sections accordingly

On motion, the amendment was adopted.

Mr. Davis (Hamilton) moved that House Bill No. 733 be placed on the Calendar for Monday, April 13, 1981, which motion prevailed.

Mr. Turner moved that House Bill No. 680 be re-referred to the Committee on Calendar and Rules, which motion prevailed.

House Bill No. 354—To make certain provisions exceptional and handicapped children.

On motion, House Bill No. 354 was made to conform with Senate Bill No. 523.

On motion, Senate Bill No. 523, on same subject, was substituted for House Bill No. 354.

Mr. Wood moved that Senate Bill No. 523 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

A motion to reconsider was tabled.

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Mr. Kent moved that House Bill No. 834 be placed on the Calendar for Wednesday, April 8, 1981, which motion prevailed.

House Bill No. 981—To regulate keeping of certain animals.

Mr. Kent moved that House Bill No. 981 be passed on third and final consideration.

Mr. Pickering moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 981 by deleting from Section 1 thereof the word and punctuation “cock,”.

Mr. Stafford moved to amend Amendment No. 1 as follows:

AMENDMENT NO. 1 TO AMENDMENT NO. 1

Amend Amendment No. 1 by deleting all the amendatory language therein and substituting the following new amendatory language:

by adding the words and punctuation “Except in regard to violations involving cock-fighting,” at the beginning of the amendatory language of subsection (b) of Section 1.

AND FURTHER AMEND by adding the following sentence to the end of the amendatory language of subsection (b) of Section 1:

Any person violating the provisions of subsection (a), items (1), (2) and (3), of this act in regard to cockfighting, shall be guilty of a misdemeanor and upon conviction shall be punished as provided in subsection (c) of this act.

On motion, Amendment No. 1 to Amendment No. 1 was adopted.

Mr. McKinney moved that Amendment No. 1, as amended, be tabled, which motion failed by the following vote:

Ayes	34
Noes	59
Present and not voting	2

Representatives voting aye were: Baker, Bell (Knox), Brewer, Clark (Davidson), Cobb, Covington, Davidson, Davis (Gibson), DeBerry, Dills, Disspayne, Ford, Huskey, Kernell, King (Shelby), King (Washington), Lowe, McKinney, McNally, Martin, Murphy (Davidson), Murray, Pruitt, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Small, Spence, Starnes, Turner, Wolfe and Mr. Speaker McWherter—34.

Representatives voting no were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Crain, Davis (Hamilton), Davis (Pickett), DePriest, Duer, Duncan, Ellis, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Jared, Johnson, Kelley, Kent, Lashlee, Love, McAfee, Montgomery, Moore, Naifeh, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Washington), Shockley, Smith, Stafford, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wood, Work and Yelton—59.

Representatives present and not voting were: Miller and Owen—2.

Mr. Rhinehart moved the previous question on the amendment, which motion prevailed by the following vote:

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Ayes	63
Noes	29
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duncan, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Hillis, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Lowe, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robinson (Washington), Shockley, Small, Stafford, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—63.

Representatives voting no were: Baker, Bell (Knox), Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Duer, Ellis, Henry (Roane), Hudson, Hurley, Kernell, King (Shelby), Love, McAfee, McKinney, McNally, Pruitt, Robertson, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Smith, Spence and Turner—29.

Representative present and not voting was: Brewer—1.

Thereupon, Amendment No. 1, as amended, was adopted by the following vote:

Ayes	67
Noes	27
Present and not voting	1

Representatives voting aye were: Akard, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Copeland, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Duer, Duncan, Ellis, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hurley, Jared, Johnson, Kelley, Kent, Lashlee, Love, McAfee, McNally, Miller, Montgomery, Moore, Murray, Naifeh, Owen, Percy, Phillips, Pickering, Rhinehart, Richardson, Robertson, Robinson (Washington), Shockley, Smith, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—67.

Representatives voting no were: Bell (Knox), Brewer, Clark (Davidson), Cobb, Covington, Davidson, DeBerry, Disspayne, Ford, Hudson, Huskey, Kernell, King (Shelby), King (Washington), Lowe, McKinney, Martin, Murphy (Davidson), Pruitt, Robinson (Davidson), Robinson (Hamilton), Scruggs, Severance, Shirley, Small, Spence and Turner—27.

Representative present and not voting was: Baker—1.

Mr. Murray moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 981 in Section 1, subsection (b) by deleting the words and figure "five (5) years" and substituting instead the words and figure "three (3) years".

On motion, the amendment was adopted.

Ms. DeBerry moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 981 by adding a new section that anyone who attends such fight shall be charged with a felony.

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Mr. Stafford moved that Amendment No. 3 be tabled, which motion prevailed by the following vote:

Ayes	68
Noes	22

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Bragg, Buck, Burnett, Carter, Chiles, Clark (Sumner), Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murray, Naifeh, Owen, Percy, Pickering, Rhinehart, Richardson, Robertson, Robinson (Washington), Scruggs, Shockley, Smith, Stafford, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Whitson, Wix, Wolfe, Wood, Work and Yelton—68.

Representatives voting no were: Brewer, Clark (Davidson), Copeland, Covington, Davidson, DeBerry, Kernell, King (Shelby), Love, Lowe, McKinney, Phillips, Pruitt, Robinson (Davidson), Robinson (Hamilton), Severance, Shirley, Spence, Starnes, Turner, Wheeler and Withers—22.

Ms. Gaia moved the previous question, which motion prevailed by the following vote:

Ayes	73
Noes	19
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Buck, Burnett, Carter, Chiles, Clark (Sumner), Cobb, Crain, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ford, Frensey, Gaia, Gill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robinson (Washington), Severance, Shirley, Shockley, Small, Stafford, Stallings, Sterling, Tanner, Ussery, Wallace, Webb, Whitson, Withers, Wix, Wolfe, Wood, Work and Yelton—73.

Representatives voting no were: Bell (Knox), Bragg, Clark (Davidson), Covington, Davidson, DeBerry, Ellis, Harrill, Kernell, King (Shelby), McKinney, Moore, Robertson, Robinson (Davidson), Scruggs, Smith, Spence, Turner and Wheeler—19.

Representative present and not voting was: Brewer—1.

Thereupon, House Bill No. 981, as amended, passed its third and final consideration by the following vote:

Ayes	95
Noes	1
Present and not voting	2

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensey, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance,

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Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—95.

Representative voting no was: DeBerry—1.

Representatives present and not voting were: King (Shelby) and Moore—2.

A motion to reconsider was tabled.

House Bill No. 546—To make certain provisions, post mortem examinations.

Mr. Kent moved that House Bill No. 546 be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	91
Noes	4

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—91.

Representatives voting no were: Crain, McKinney, Murray and Scruggs—4.

A motion to reconsider was tabled.

House Bill No. 832—To make certain provisions, granting of furloughs to inmates.

Mr. Bell (Knox) moved that House Bill No. 832 be passed on third and final consideration.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 1

Amend House Bill No. 832 by deleting Section 3 in its entirety, substituting instead the following:

SECTION 3 (a). The department of correction is hereby authorized to take all steps necessary for the formulation of rules and regulations to implement the provisions of this act. Provided, however, the provisions of this act shall not take effect until all necessary rules and regulations have been approved as provided in Tennessee Code Annotated, Title 4, Chapter 5.

(b). This act shall take effect in accordance with the provisions of subsection (a) of this section, the public welfare requiring it.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 2

Amend House Bill No. 832 by adding the following as a new section to be appropriately designed immediately following Section 2, renumbering subsequent sections accordingly:

SECTION . The department of correction shall notify the house and senate state and local government committees of the release of any person on such furlough. Such notice shall include, but not be limited to, the name of the person released, the rationale for releasing such person, and the period for which such furlough will be effective.

On motion, the amendment was adopted.

Mr. Miller moved to amend as follows:

AMENDMENT NO. 3

Amend House Bill No. 832 in Section 3, as added by amendment No. 2, by adding at the end of the first sentence thereof the following:

at the same time such furlough is granted.

On motion, the amendment was adopted.

Mr. Small moved to amend as follows:

AMENDMENT NO. 4

Amend House Bill No. 832 by adding to the amendatory language of Section 1 between the first and second sentences the following sentence:

Provided, however, that no such furlough shall be granted unless the pregnant female inmate reveals to the best of her knowledge the identity of the father of the child which she is carrying.

Mr. King (Washington) moved that Amendment No. 4 be tabled, which motion failed by the following vote:

Ayes	30
Noes	54
Present and not voting	5

Representatives voting aye were: Bell (Knox), Brewer, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Davis (Hamilton), DeBerry, Ellis, Frensley, Gaia, Gill, Harrill, Henry (Roane), Hudson, Kernell, King (Shelby), King (Washington), McAfee, McNally, Martin, Montgomery, Moore, Murphy (Davidson), Pruitt, Robertson, Robinson (Davidson), Robinson (Washington), Spence and Starnes—30.

Representatives voting no were: Akard, Baker, Bell (Wilson), Bewley, Bivens, Buck, Byrd, Crain, Davidson, Davis (Gibson), Davis (Pickett), DePriest, Disspayne, Duer, Duncan, Ford, Henry (Blount), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, Lashlee, Lowe, Miller, Murray, Naifeh, Owen, Phillips, Rhinehart, Richardson, Robinson (Hamilton), Scruggs, Severance, Shirley, Shockley, Small, Smith, Stafford, Stallings, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Wix, Wolfe, Wood, Work and Yelton—54.

Representatives present and not voting were: Bragg, Burnett, Covington, Love and Percy—5.

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Mr. Wallace moved the previous question on the amendment, which motion failed by the following vote:

Ayes	42
Noes	45
Present and not voting	6

Representatives voting aye were: Akard, Baker, Bivens, Buck, Byrd, Carter, Clark (Sumner), Crain, Davis (Gibson), Duer, Duncan, Ford, Henry (Blount), Henry (Roane), Hillis, Hurley, Huskey, Jared, Johnson, Kelley, King (Washington), Lashlee, Lowe, Miller, Naifeh, Percy, Phillips, Rhinehart, Robinson (Hamilton), Robinson (Washington), Shirley, Shockley, Small, Smith, Stafford, Stallings, Starnes, Turner, Wallace, Wheeler, Wolfe and Yelton—42.

Representatives voting no were: Bell (Knox), Bell (Wilson), Bewley, Bragg, Burnett, Chiles, Clark (Davidson), Cobb, Copeland, Covington, Davidson, Davis (Hamilton), Davis (Pickett), DeBerry, Disspayne, Ellis, Frensley, Gill, Harrill, Kent, Kernell, Love, McAfee, McKinney, McNally, Martin, Moore, Murphy (Shelby), Murray, Owen, Pickering, Pruitt, Robertson, Robinson (Davidson), Scruggs, Severance, Spence, Sterling, Tanner, Ussery, Webb, Whitson, Wix, Wood and Work—45.

Representatives present and not voting were: Brewer, Hudson, King (Shelby), Montgomery, Richardson and Mr. Speaker McWherter—6.

Mr. Miller moved that House Bill No. 832 be placed on the Calendar for Wednesday, April 8, 1981, which motion prevailed.

CONSENT CALENDAR

OBJECTIONS

Objections were filed to the following bills and resolutions on the Consent Calendar:

Mr. Bell (Wilson) objected to House Bills Nos. 1247 and 1248.

Under the rules, House Bills Nos. 1247 and 1248 were placed at the foot of the Calendar for Wednesday, April 8, 1981.

House Bill No. 653—To amend Chapter 159, Private Acts, 1965.

On motion, House Bill No. 653 was made to conform with Senate Bill No. 941.

On motion, Senate Bill No. 941, on same subject, was substituted for House Bill No. 653.

House Bill No. 1243—To amend Charter, Hohenwald.

House Bill No. 1245—To regulate subdivision of land, Norris City.

House Bill No. 1246—To impose certain privilege tax, Cumberland County.

House Bill No. 1249—To impose tax certain privileges, McNairy County.

House Bill No. 1250—To provide for litigation tax, Cheatham County.

House Bill No. 1252—To authorize Coffee County to levy privilege tax.

House Bill No. 1255—To regulate sessions court, Loudon County.

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Senate Joint Resolution No. 73—Relative to sympathy, Mr. Harry Fletcher Miller.

House Joint Resolution No. 144—Relative to honoring Oak Ridge High School cross country teams.

House Joint Resolution No. 145—Relative to honoring Carver High School boys basketball team.

House Joint Resolution No. 146—Relative to honoring Unicoi County Elementary School boys basketball team.

House Joint Resolution No. 147—Relative to honoring Unicoi County Elementary School girls basketball team.

House Joint Resolution No. 148—Relative to declaring Police Memorial Day and Week.

House Joint Resolution No. 149—Relative to honoring James A. McBee.

House Joint Resolution No. 150—Relative to honoring William G. Talent.

House Joint Resolution No. 151—Relative to honoring Bill Deathridge.

House Joint Resolution No. 155—Relative to honoring Mike Hammond.

House Joint Resolution No. 156—Relative to declaring "Special Olympics Day".

Senate Joint Resolution No. 78—Relative to expressing appreciation, Carl Koanty.

Senate Joint Resolution No. 79—Relative to welcoming National Association for Foreign Student Affairs.

Senate Joint Resolution No. 84—Relative to congratulating Karen Mills.

Senate Joint Resolution No. 85—Relative to congratulating Mrs. Hazel "Ish" Griffith.

Senate Joint Resolution No. 86—Relative to honoring Coach Lionel Jones and girls basketball team.

Senate Joint Resolution No. 87—Relative to congratulating Coach Willis Taylor and basketball team.

Senate Joint Resolution No. 88—Relative to assisting in solving Atlanta murder series.

House Resolution No. 24—Relative to honoring James and Ruth Blair.

House Joint Resolution No. 159—Relative to honoring Dr. J. Miller Parnell.

House Joint Resolution No. 162—Relative to honoring Reverend Robert K. Davis.

House Joint Resolution No. 164—Relative to memory, Mrs. Jo Anne Clark.

House Joint Resolution No. 165—Relative to memory Harry Alexis Jones Joyes.

House Joint Resolution No. 166—Relative to memory John Templeton.

House Joint Resolution No. 167—Relative to honoring Frederick J. Thompson, II.

House Bill No. 1254—To regulate Milan Special School District.

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House Bill No. 1257—To make certain provisions, Bledsoe County general hospital.

House Bill No. 1258—To amend Charter, City of Kenton.

House Bill No. 1259—To amend Charter of Parrottsville.

House Bill No. 1260—To create a special juvenile court for Gibson County.

Mr. Gill moved that all House and Senate Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions on the Consent Calendar be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes	97
Noes	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

Representative voting no was: Copeland—1.

A motion to reconsider was tabled.

Mr. Baker moved that the rules be suspended for the purpose of introducing House Joint Resolution No. 176 out of order, which motion prevailed.

House Joint Resolution No. 176—Relative to honoring Representative Dale Kelley—By Baker, Akard, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Jones, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter.

Mr. Baker moved that House Joint Resolution No. 176 be adopted, which motion prevailed by the following vote:

Ayes	97
Noes	0
Present and not voting	1

Representatives voting aye were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley,

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Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—97.

Representative present and not votng was: Kelley—1.

A motion to reconsider was tabled.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution No.

108—Relative to death, Coach Shirley Majors; adopted for concurrence.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

Mr. Murray moved that the rules be suspended for the purpose of considering Senate Joint Resolution No. 108 out of order, which motion prevailed.

Senate Joint Resolution No. 108—Relative to death, Coach Shirley Majors.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Mr. Murray, the resolution was concurred in.

A motion to reconsider was tabled.

SECOND ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Akard, Baker, Bell (Knox), Bell (Wilson), Bewley, Bivens, Bragg, Brewer, Buck, Burnett, Byrd, Carter, Chiles, Clark (Davidson), Clark (Sumner), Cobb, Copeland, Covington, Crain, Davidson, Davis (Gibson), Davis (Hamilton), Davis (Pickett), DeBerry, DePriest, Dills, Disspayne, Duer, Duncan, Ellis, Ford, Frensley, Gaia, Gill, Harrill, Henry (Blount), Henry (Roane), Hillis, Hudson, Hurley, Huskey, Jared, Johnson, Kelley, Kent, Kernell, King (Shelby), King (Washington), Lashlee, Love, Lowe, McAfee, McKinney, McNally, Martin, Miller, Montgomery, Moore, Murphy (Davidson), Murphy (Shelby), Murray, Naifeh, Owen, Percy, Phillips, Pickering, Pruitt, Rhinehart, Richardson, Robertson, Robinson (Davidson), Robinson (Hamilton), Robinson (Washington), Scruggs, Severance, Shirley, Shockley, Small, Smith, Spence, Stafford, Stallings, Starnes, Sterling, Tanner, Turner, Ussery, Wallace, Webb, Wheeler, Whitson, Withers, Wix, Wolfe, Wood, Work, Yelton and Mr. Speaker McWherter—98.

INTRODUCTION OF RESOLUTIONS

House Joint Resolution No. 168—Relative to expressing sorrow, Dr. Walter L. Diveley—By Frensley.

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Under the rules, House Joint Resolution No. 168 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 169—Relative to honoring Charles Moore—By Ford and Bewley.

Under the rules, House Joint Resolution No. 169 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 170—Relative to expressing sorrow, Raymond I. "Brick" Brahams, Jr—By Henry (Blount).

Under the rules, House Joint Resolution No. 170 was referred to the Committee on Calendar and Rules.

House Joint Resolution No. 171—Relative to study, Medicaid System—By Starnes, DeBerry, Bragg, Chiles, DePriest, Clark (Davidson), Covington, Disspayne, Murphy (Davidson), Montgomery, Harrill, Cobb, Gill, Withers, Ford and Mr. Speaker McWherter.

The Speaker referred House Joint Resolution No. 171 to the Committee on General Welfare.

House Joint Resolution No. 172—Relative to congratulating Milan High School girls basketball team—By Davis (Gibson).

Under the rules, House Joint Resolution No. 172 was referred to the Committee on Calendar and Rules.

INTRODUCTION OF BILLS

House Bill No. 1265—To amend Section 8-10-101, Code—By Whitson.

Passed first consideration.

House Bill No. 1266—To amend Charter, Alcoa—By Stafford, Huskey and Henry (Blount).

Passed first consideration.

House Bill No. 1267—To amend Section 16-15-205(a), Code—Tanner and Mr. Speaker McWherter.

Passed first consideration.

SENATE BILL ON SECOND CONSIDERATION

Senate Bill No. 777—To amend Title 3, Chapter 6, Code.

Passed second consideration and referred to Committee on State and Local Government.

HOUSE BILLS ON SECOND CONSIDERATION

House Bill No. 1261—To amend certain acts relative to Federal Census.

Passed second consideration and held without reference.

House Bill No. 1262—To impose privilege tax, Morgan County.

Passed second consideration and held without reference.

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House Bill No. 1263—To make certain regulations, Madison County.

Passed second consideration and held without reference.

House Bill No. 1264—To create board of education, Hardeman County.

Passed second consideration and held without reference.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Joint Resolutions Nos.

89—Relative to honoring Mary Lou Hampton Gilliland;

132—Relative to declaring "Walk for Mankind Day"; both concurred in by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

661—To amend Title 49, Chapter 12, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

REPORT OF COMMITTEE ON CALENDAR AND RULES

MR. SPEAKER: Your Committee on Calendar and Rules begs leave to report that we have met and set the following bills on the Calendar for Wednesday, April 8, 1981: House Bills Nos. 687, 1078, 893, 436, 512, 1091, 479, 1011, 1104, 927, 982, 315, 532, 897, 1002, 973, 1053 and 548.

GILL, *Chairman.*

On motion of Mr. Phillips, his name was removed as sponsor of House Bill No. 528.

SPONSORS ADDED

Without objection, the rules were suspended to allow the following members to add their names as sponsors to the bills as indicated below, the prime sponsor of each having agreed to such addition:

House Bill No. 573—Cobb

House Bill No. 1092—Cobb

House Bill No. 1120—Cobb

LOCAL BILLS TRANSMITTED TO CALENDAR AND RULES

In accordance with Rule No. 47, the following local bills, having received authorization for passage by the local legislative delegation, were transmitted to the Committee on Calendar and Rules: House Bills Nos. 1261, 1262, 1263 and 1264.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bill No.

509—To amend Section 38-504, Code; substituted for Senate Bill on same subject, amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to return to the House, House Bills Nos.

155—To regulate certain retirement allowances, beneficiaries;

719—To make certain provisions, Scenic Highway System;

752—To amend Sections 63-1706 and 63-1716, Code;

835—To amend Surface Mining Law; all substituted for Senate Bills on same subject and passed by the Senate

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

MESSAGE FROM THE SENATE

MR. SPEAKER: I am directed to transmit to the House, Senate Bills Nos.

21—To amend Section 16-4-113, Code;

22—To amend Section 16-2-102, Code;

63—To regulate visitation, grandparents;

208—To amend Titles 33 and 37, Code;

344—To amend Section 16-5-107, Code;

413—To amend Section 67-672, Code;

439—To require referendum, annexation, certain counties;

529—To amend Title 40, Chapter 12, Code;

1041—To amend Section 59-8-307(a), Code; all passed by the Senate.

CLYDE W. McCULLOUGH, JR.,
Chief Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 981, 1243, 1245, 1246, 1249, 1250, 1252, 1254, 1255, 1257, 1258, 1259 and 1260; House Joint Resolutions Nos. 144, 145, 146, 147, 148, 149, 150, 151, 155, 156, 159, 162, 164, 165, 166, 167 and 176; and find same correctly engrossed and ready for transmission to the Senate.

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165, 166, 167 and 176; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

ENGROSSED BILLS

MR. SPEAKER:

Your Chief Engrossing Clerk begs leave to report that we have carefully examined House Bills Nos. 217, 546, 643, 833 and 886; and find same correctly engrossed and ready for transmission to the Senate.

MARILYN EVELYN HAND,
Chief Engrossing Clerk.

On motion Mr. Burnett, the House adjourned until 1:30 p.m., Wednesday, April 8, 1981.